

Appln. No. 10/019,992

Attorney Docket No. 10541-929

II. Remarks

Reconsideration and reexamination of this application is herein requested. Claims 19-32 remain pending in the application.

Allowable Subject Matter

Applicants acknowledge the examiner's indication of allowance of claims 23 and 24, and the allowability of claims 29 and 30 if re-written into independent form.

Rejections Under 35 U.S.C. § 102

Claims 19, 25-28 and 31 were rejected under 35 U.S.C. §102(a) as being anticipated by Bitzel. Applicants respectfully traverse this rejection.

In relying on Bitzel, the examiner suggests that Figure 16 of that reference shows cutting being done by more than one punch. Reviewing column 9, lines 6-25, which is where Figure 16 is specifically discussed, it is seen that Bitzel forms the cutout of Figure 16 by manipulating a single punch. All references in this paragraph to a "punch" are singular and all referenced surfaces are those of the single punch seen in Figures 4, 5 and 7. (Note, Figure 6 is a die used with the punch of Figures 4, 5 and 7). Further, in that same column at lines 26-28, the formation of the cutout of Figure 16 is summed up by stating that "highly complex contours may be nibbled rapidly without necessity for tool change." (Emphasis added) It is also noted that only a single shape is shown in Figure 16 for the cutting tool. Viewing the teaching of Bitzel in its entirety, it is contrary to that teaching to suggest that the single shape of the illustrated tool is in fact multiple tools.

It is additionally noted that the illustrated construction of the punch head of Bitzel is one where only a single tool is mounted and used in the head at any given time.

Bitzel does note that one tool may not serve for all desired shapes. However, the context in which Bitzel discusses additional tooling is to suggest a single tool may not work for all desired shapes and that a different tool may be required to most efficiently cut a different shape. For example, Figures 16, 17, and 20 all show different cutout shapes. Each of these cutouts, however, is formed by use of a single tool, respectively tools 7, 8 and 21, as evidenced by the single shape

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diagrammatically positioned about the perimeter of each cutout. In discussing the formation of these cutouts, two things occur; the workpiece is manipulated and the tool is rotated. Nowhere in the discussion is a second tool swapped for a first tool to effectuate the cutting. This would slow the process considerably, which Bitzel was trying to avoid.

Notwithstanding the above, claims 19 and 25 also recite that the configuration of the second knife is different from that of the first knife. Even if Bitzel used multiple punches in Figures 16, 17 and 20 (which Applicant maintains it does not), the punches are illustrated as being of the same configuration.

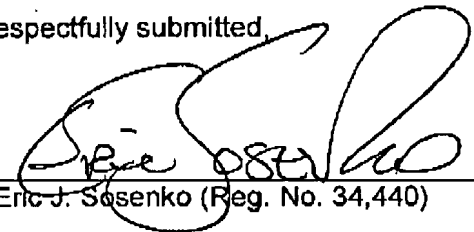
Claims 19-22, 25-28, 31 and 32 were rejected under 35 U.S.C. §103 as being unpatentable over Bitzel in view of Fazis '273 ("Fazis").

As previously noted, Bitzel lacks various claimed features. Fazis fails to cure the noted deficiencies in Bitzel, both on its own and when combined with Bitzel. Bitzel does not suggest swapping out tools when making a cutting. To the contrary and as previously demonstrated, the thrust and purpose of the Bitzel is to eliminate the need for tooling change in a given cutting. Thus, even if combined with Fazis, a tooling change is not contemplated.

Conclusion

In view of the above remarks, it is submitted that pending claims 19-32 are patentable over the art of record. Applicants therefore respectfully request that the Examiner grant allowance of these claims. If such communication would expedite this application, the Examiner is invited to contact the undersigned via telephone.

Respectfully submitted,



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Date

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Attachments: None

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